

Exhibit 2

REDACTED FOR PUBLIC FILING

From: [Strong, Bruce](#)
To: [Normand, Sarah \(USANYS\)](#); [Vargas, Jeannette](#); [Rapawy, Gregory G.](#); [Duffy, Matthew M.](#); [Carter, Sean](#); [Haefele, Robert](#); [jflowers@motleyrice.com](#); [Tarbutton, Joseph](#); [f3g@speiskrause.com](#); [jog@speiskrause.com](#); [Baumeister, Michael](#); ["Kry, Robert"](#); [Capone, Thea](#); [Leung, Mona \(USANYS\)](#); [Kellogg, Michael K.](#); [Shen, Andrew C.](#); [Nitz, Eric](#); [Maloney, III, Andrew](#); [Steven R. Pounian \(Spounian@kreindler.com\)](#); [Megan Benett](#); [Gavin Simpson](#)
Cc: [Goldman, Jerry](#); [Greene, Alexander](#)
Subject: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN – Review of Plaintiffs Filings for Purported FBI Material
Date: Tuesday, March 19, 2024 2:38:55 PM

Dear Sarah & Jeannette,

For the Declaration of James Gavin Simpson, ECF No. 9543, Plaintiffs identify Exhibit 10A and Exhibit 679A-O as containing purported FBI material not previously reviewed. For documents previously reviewed by the FBI, such as the Yousef Expert Report, Plaintiffs would file the redacted versions that the FBI has already approved. Exhibits 12A-Z and Ref 1 and Ref 2 exhibits to the declaration are phone bills with phone calls, and Plaintiffs would redact all but the last 4 digits of phone numbers in those exhibits and on pages 8 through 20 of the declaration as well.

Plaintiffs incorporate by reference the objections contained in the emails below. In addition to these objections, Plaintiffs continue to generally reserve the right to object to FBI designations by the FBI or other parties' confidentiality designations, because (1) the FBI's law enforcement investigation into 9/11 has ended, (2) the public's presumptive right to access judicial documents, especially materials offered for the Court's consideration in dispositive motion practice, (3) President Biden's EO expressing the value of maximizing the public access to this information, (4) the MDL court's prior admonitions as to the need for public access, and (5) neither the Government nor any other party has substantiated the necessity for the sealing and proposed redactions.

Regards,

Bruce

Bruce Strong
Shareholder

ANDERSON KILL

1760 Market Street, Suite 600 - Philadelphia, PA 19103
T: 267-216-2738 - F: 215-568-4573
1251 Avenue of the Americas - New York, NY 10020
T: 212-278-1034 - F: 212-278-1733
Bstrong@andersonkill.com - www.andersonkill.com
[Biography](#)

From: Strong, Bruce

Sent: Monday, February 26, 2024 6:23 PM

To: Normand, Sarah (USANYS <Sarah.Normand@usdoj.gov>; Vargas, Jeannette (USANYS <Jeannette.Vargas@usdoj.gov>; Rapawy, Gregory G. <grapawy@kellogghansen.com>; Duffy, Matthew M. <mduffy@kellogghansen.com>; Carter, Sean <SCarter1@cozen.com>; Haefele, Robert

<rhaefe@motleyrice.com>; jflowers@motleyrice.com; Tarbutton, Joseph
<starbutton@cozen.com>; f3g@speiskrause.com; jog@speiskrause.com; Baumeister, Michael
<mibaumeister@baumeisterlaw.com>; 'Kry, Robert' <rkry@mololamken.com>; Capone, Thea
<tcapone@baumeisterlaw.com>; Leung, Mona (USANYS <Mona.Leung@usdoj.gov>; Kellogg,
Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>; Nitz,
Eric <enitz@mololamken.com>; Andrew Maloney <amaloney@kreindler.com>; Steven R. Pounian
(Spounian@kreindler.com) <Spounian@kreindler.com>; Megan Benett <Mbenett@kreindler.com>;
Gavin Simpson <Gsimpson@kreindler.com>

Cc: Goldman, Jerry S. <Jgoldman@andersonkill.com>; Greene, Alexander
<agreene@andersonkill.com>

Subject: RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN – Review of
Plaintiffs Filings for Purported FBI Material

Dear Sarah & Jeannette,

Attached please find a spreadsheet identifying purported FBI material in the Declaration of Robert T. Haefe, ECF No. 9541. Plaintiffs incorporate by reference the objections contained in the email below. In addition to these objections, Plaintiffs continue to generally reserve the right to object to FBI designations by the FBI or other parties' confidentiality designations, because (1) the FBI's law enforcement investigation into 9/11 has ended, (2) the public's presumptive right to access judicial documents, especially materials offered for the Court's consideration in dispositive motion practice, (3) President Biden's EO expressing the value of maximizing the public access to this information, (4) the MDL court's prior admonitions as to the need for public access, and (5) neither the Government nor any other party has substantiated the necessity for the sealing and proposed redactions.

Regards,

Bruce

Bruce Strong
Shareholder

ANDERSON KILL

1760 Market Street, Suite 600 - Philadelphia, PA 19103
T: 267-216-2738 - F: 215-568-4573
1251 Avenue of the Americas - New York, NY 10020
T: 212-278-1034 - F: 212-278-1733
Bstrong@andersonkill.com - www.andersonkill.com
[Biography](#)

From: Strong, Bruce

Sent: Tuesday, February 20, 2024 5:50 PM

To: Normand, Sarah (USANYS <Sarah.Normand@usdoj.gov>; Vargas, Jeannette (USANYS
<Jeannette.Vargas@usdoj.gov>; Rapawy, Gregory G. <grapawy@kellogghansen.com>; Duffy,

Matthew M. <mduffy@kellogghansen.com>; Carter, Sean <SCarter1@cozen.com>; Haefele, Robert <rhaefele@motleyrice.com>; jflowers@motleyrice.com; Tarbutton, Joseph <starbutton@cozen.com>; f3g@speiskrause.com; jog@speiskrause.com; Baumeister, Michael <mibaumeister@baumeisterlaw.com>; 'Kry, Robert' <rkry@mololamken.com>; Capone, Thea <tcapone@baumeisterlaw.com>; Leung, Mona (USANYS <Mona.Leung@usdoj.gov>; Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>; Nitz, Eric <enitz@mololamken.com>; Andrew Maloney <amaloney@kreindler.com>; Steven R. Pounian (Spounian@kreindler.com) <Spounian@kreindler.com>; Megan Bennett <Mbenett@kreindler.com>; Gavin Simpson <Gsimpson@kreindler.com>

Cc: Goldman, Jerry S. <jgoldman@andersonkill.com>; Greene, Alexander <agreene@andersonkill.com>

Subject: RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN – Review of Plaintiffs Filings for Purported FBI Material

Dear Sarah & Jeannette,

Attached please find Plaintiffs' Corrected Averment, ECF No. 9541-1, ("Averment") that was filed under seal in support of Plaintiffs' Opposition to Saudi Arabia and Dallah Avco's Motions to Dismiss with purported FBI material identified. We also have enclosed copies of Plaintiffs' corrected Opposition briefs to Saudi Arabia and Dallah Avco's Motions to Dismiss with purported FBI material identified, ECF Nos. 9537 & 9539. Plaintiffs did not identify any FBI material in their Dallah Avco counter 56.1 statement or in the Declaration of Jerry S. Goldman, dated January 17, 2024. ECF Nos. 9485 & 9538. Plaintiffs are awaiting the FBI's completion of Saudi Arabia's Averment of Facts, ECF No. 9390-1, before completing their review of the counterstatement as the FBI's review will inform how Plaintiffs complete review of that counterstatement. Plaintiffs continue to review the Declarations of Robert T. Haefele and James Gavin Simpson and exhibits attached thereto for purported FBI material and will circulate as soon as possible.

We understand that the FBI has indicated that the Privacy Act limits the publication of current (living) U.S. residents in certain circumstances, as well as certain pedigree information, including addresses and complete phone numbers. We redacted portions of any U.S. phone numbers and addresses to comply with the Privacy Act and redacted the identity of certain U.S. residents if the only source for the Averment was from a protected FBI document. Those redactions appear red highlight.

We also highlighted purported FBI material in red in Plaintiffs' corrected Opposition briefs, ECF Nos. 9537 & 9539, based on the FBI's previous proposed redactions to our expert reports, but we also highlighted in yellow in the Averment all other cites to FBI Bates stamped material and some of the text based on the FBI's previous redactions in our expert reports that we do not believe should be redacted because the information was obtained through sources other than the FBI's protected material. In many cases we did not highlight the preceding text that highlights the FBI Bates numbers because the text does not come from the FBI, rather it comes from a third party or an expert or lawyer's summary. For example, we would dispute redactions for any Protective Order FBI material that was not created by the FBI—like hotel bills, phone records, bank records, photos and videos, correspondence, jihadi pamphlets and other propaganda material—*i.e.*, anything created by a third

party that the FBI collected or seized. Those do not warrant redactions, save for perhaps very limited Privacy Act concerns, but even there, it is not the FBI that is revealing the identities, it is the physical document itself that speaks for itself and should be public. Further, in many cases, the public version of the EO material cites the same information contained in the original FBI Bates-numbered material.

In some cases the previous redacted material is already in the public record (some examples are cites made to the 9/11 Commission Report and criminal and civil cases). In addition, our interviews with witnesses or sworn statements [declaration or deposition testimony] that we obtained do not warrant redaction. If the statement was made based directly on a still protected FBI report that the witness disagreed with, then arguably that statement should be redacted and we marked those in red.

While there were several FBI interviews of [REDACTED] we also deposed these individuals and it would be unfair to continue to seal their sworn testimony when they adopted the 302 interview statement or otherwise testified to substantially similar material.

Shuaib and Sowailam are deceased, and [REDACTED] is not a U.S. citizen and is believed to have left the U.S. several years ago.

Abdo Ghanem (driver of the Blind Sheikh) is identified as incarcerated in the public version of the April 4, 2016 FBI Encore update, review and analysis made public on Sept. 3, 2021 as the first document released under President Biden's Executive Order 14040.

[REDACTED] lives in Saudi Arabia (but is a U.S. citizen). [REDACTED] Shuaib, Sowailam and [REDACTED] (among others) are identified in non-FBI material and those cites should not be redacted in their entirety. When citing only a protected FBI document, we redacted their names.

Last but not least, we received large volumes of evidence from the Metropolitan Police Service ("MPS") the dissemination of which has remained restricted pursuant to the umbrella protective order entered in this MDL (ECF No. 1900), but that was declassified by the MPS with no restrictions and is intended to become public. Plaintiffs hold the view that the FBI does not have standing to seal or seek redactions on that material.

Given the large volume of now public material as well as confidential material not obtained from the FBI protected documents or the EO – MDL Privacy Act documents, we request the FBI reconsider its earlier redactions or alternatively provide an explanation for consideration and discussion before seeking a ruling from the Court. At this stage of the litigation, it is imperative that our clients and the public be able to view the judicial documents and evidence in this case of national significance.

In addition to the forgoing objections, Plaintiffs continue to generally reserve the right to object to FBI designations by the FBI or other parties' confidentiality designations, because (1) the FBI's law enforcement investigation into 9/11 has ended, (2) the public's presumptive right to access judicial documents, especially materials offered for the Court's consideration in dispositive motion practice, (3) President Biden's EO expressing the value of maximizing the public access to this information, (4)

the MDL court's prior admonitions as to the need for public access, and (5) neither the Government nor any other party has substantiated the necessity for the sealing and proposed redactions.

Regards,

Bruce

Bruce Strong
Shareholder

ANDERSON KILL

1760 Market Street, Suite 600 - Philadelphia, PA 19103
T: 267-216-2738 - F: 215-568-4573
1251 Avenue of the Americas - New York, NY 10020
T: 212-278-1034 - F: 212-278-1733
Bstrong@andersonkill.com - www.andersonkill.com
[Biography](#)

From: Goldman, Jerry S. <jgoldman@andersonkill.com>

Sent: Friday, February 16, 2024 6:11 PM

To: Normand, Sarah (USANYS <Sarah.Normand@usdoj.gov>; Rapawy, Gregory G. <grapawy@kellogghansen.com>; Duffy, Matthew M. <mduffy@kellogghansen.com>; Carter, Sean <SCarter1@cozen.com>; Haefele, Robert <rhaefele@motleyrice.com>; jflowers@motleyrice.com; Tarbutton, Joseph <starbutton@cozen.com>; f3g@speiskrause.com; jog@speiskrause.com; Baumeister, Michael <mbaumeister@baumeisterlaw.com>; 'Kry, Robert' <rkry@mololamken.com>; Capone, Thea <tcapone@baumeisterlaw.com>; Vargas, Jeannette (USANYS <Jeannette.Vargas@usdoj.gov>; Leung, Mona (USANYS <Mona.Leung@usdoj.gov>; Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>; Nitz, Eric <enitz@mololamken.com>; Andrew Maloney <amaloney@kreindler.com>; Steven R. Pounian (<Spounian@kreindler.com>) <Spounian@kreindler.com>; Megan Bennett <Mbenett@kreindler.com>
Cc: Strong, Bruce <Bstrong@andersonkill.com>; Greene, Alexander <agreene@andersonkill.com>

Subject: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN – Review of Plaintiffs Filings for Purported FBI Material

All,

Plaintiffs intend to circulate their motion to dismiss opposition papers with purported FBI material identified this coming Tuesday.

Have a good weekend.

Sincerely,

Jerry S. Goldman

Jerry S. Goldman

Shareholder

ANDERSON KILL

1251 Avenue of the Americas - New York, NY 10020
T: 212-278-1569 - F: 212-278-1733

1760 Market Street, Suite 600 - Philadelphia, PA 19103
T: 267-216-2795 - F: 215-568-4573

Jgoldman@andersonkill.com - www.andersonkill.com
[Biography](#) - [vCard](#)